

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**IN THE MATTER OF APPLICATION
OF THE UNITED STATES OF
AMERICA FOR AN ORDER: DIRECTING
ALABAMA POWER COMPANY TO FURNISH
INFORMATION, FACILITIES, AND
TECHNICAL ASSISTANCE NECESSARY TO
ACCESS 120 VOLT ALTERNATING
CURRENT FROM CIRCUITS LOCATED ON
FRY STREET IN MOBILE, ALABAMA
BETWEEN STRAIGHT STREET AND
GEORGE STREET**

*
*
*
*
*
*
*
*
*

MAG. NO. 06-0123-M

UNDER SEAL

FILED DEC 1 '06 PM 4:01 USDC/ALS

**APPLICATION FOR EXTENSION
AND SEALING OF MOTION AND ORDER**

Comes now the United States of America, by and through George F. May, Assistant United States Attorney, and moves this Honorable Court, pursuant to the All Writs Act, 28 U.S.C. § 1651 to grant an order authorizing the extension of the Court's earlier Order of the authorization to Alabama Power Company, directing disclosure of all information, facilities, and technical assistance necessary to access 120 volt alternating current from circuits located on Fry Street in Mobile, Alabama between Straight Street and George Street for a period of one hundred eighty (180) additional days as previously granted.

In support of this application for extension, the United States represents as follows:

(1) The court previously Ordered that Alabama Power Company furnish, forthwith to agents of the FBI all information, facilities, and technical assistance necessary to access 120 volt alternating current from circuits located on Fry Street in Mobile, Alabama between Straight Street and George Street; that normal operations of the Alabama Power Company shall not be disrupted, and: that this Order and Application are sealed and that the Alabama Power Company, its agents, and its employees shall not disclose to any other person the existence of this Application and Order,

or the existence of this investigation or of the devices used to accomplish the aforementioned technical assistance, unless otherwise ordered by this Court.

(2) Federal Bureau of Investigation (FBI) agents are continuing their investigation of possible violations of Title 18, United States Code, Sections 2339B and 2339C. The information obtained to date from the initial application, previously approved by this Court, has established that persons suspected of committing the above offenses have used said location site to contact numerous other targets of the above mentioned investigation.

(3) The investigation, to date, has confirmed that information concerning the aforementioned offenses, as well as the believed perpetrators thereof, may continue to be discovered by surveillance equipment that is powered by the above mentioned electrical power.

WHEREFORE, it is respectfully requested that this Court enter the attached proposed order:

(1) authorizing for one hundred (180) days, the extension of assistance from Alabama Power Company and directing Alabama Power Company to continue to disclose and furnish to agents of the Federal Bureau of Investigation all information, facilities, and technical assistance necessary to access 120 volt alternating current from circuits located on Fry Street in Mobile, Alabama between Straight Street and George Street;

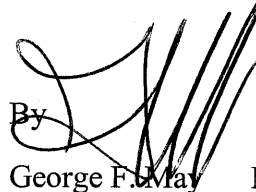
(2) directing Alabama Power Company to continue to furnish the results of the information to the FBI as soon as practicable twenty four (24) hours a day for the duration of the Order and to forthwith furnish special agents of the FBI with all information, facilities and technical assistance necessary to accomplish the extension with minimum interference to the normal operations of Alabama Power Company; and

(3) sealing this application for extension and the Court's order.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge, information and belief.

Dated this 16th day of December, 2006.

DEBORAH J. RHODES
UNITED STATES ATTORNEY

By 

George F. May MAYG0534
Assistant United States Attorney